

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

UNITED STATES OF AMERICA,       )  
    Plaintiff,                        )  
  )  
and                                    )  
  )  
TAYLOR PRATT,                       )  
    Plaintiff/Intervenor,           )  
  )  
v.                                     )  
  )  
FRED L. WHEELER, II &             )  
LANDSCAPE CENTER OF MAINE,     )  
INC.,                                 )  
    Defendant(s)                    )

CIVIL NO. 1:23-CV-00424-NT

**PLAINTIFF/INTERVENOR TAYLOR PRATT'S  
MOTION TO INTERVENE WITH INCORPORATED MEMORANDUM OF LAW**

Plaintiff/Intervenor Taylor Pratt through her undersigned counsel, hereby moves this Court pursuant to Rule 24 of the Federal Rules of Civil Procedure and 42 U.S.C. §§ 3614(e) of the Fair Housing Act for leave to intervene as of right as plaintiff in the above-captioned action.

As the accompanying memorandum sets forth in greater detail, the Fair Housing Act, as amended, authorizes Taylor Pratt to intervene as a matter of right in the above-captioned action.

Plaintiff United States of America consents to this motion.

Defendants Fred Wheeler and Landscape Center of Maine, Inc. object to this motion.

WHEREFORE, Taylor Pratt respectfully requests that this Court grant its motion to intervene.

Dated: September 19, 2024

Respectfully Submitted,



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Alice A. Neal (ME Bar No. 004161)  
Attorney for Taylor Pratt  
Pine Tree Legal Assistance, Inc.  
P.O. Box 2429  
Augusta, ME 04338  
(207) 552-3121 (phone)  
(207) 623-7774 (fax)  
aneal@ptla.org

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TAYLOR PRATT,	)	
Plaintiff/Intervenor,	)	CIVIL NO. 1:23-CV-00424-NT
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v.	)	
	)	
FRED L. WHEELER, II &	)	
LANDSCAPE CENTER OF MAINE,	)	
INC.,	)	
Defendant(s)	)	

**PLAINTFF/INTERVENOR TAYLOR PRATT’S**

**MEMORANDUM OF LAW IN SUPPORT OF MOTION TO INTERVENE**

On November 16, 2023, the United States brought this action alleging violations of the Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.*, against Defendants Fred L. Wheeler, II and the Landscape Center of Maine. On December 29, 2023, the United States amended its complaint to allege claims against Defendants Fred L. Wheeler, II and the Landscape Center of Maine. Under Rule 24 of the Federal Rules of Civil Procedure and the Fair Housing Act, 42 U.S.C. § 3614(e), Taylor Pratt has a right to intervene.

Rule 24(a) of the Federal Rules of Civil Procedure requires a court to grant intervention when a federal statute unconditionally provides for intervention. Fed. R. Civ. P. 24(a). Rule 24(a) states, “Upon timely application, anyone shall be permitted in an action: (1) when a statute of United States confers an unconditional right to intervene. . .” *Id.*

Section 814(e) of the Fair Housing Act states, “upon timely application, any person may intervene in a civil action commenced by the Attorney General under subsection (a) or (b) which

involves an alleged discriminatory housing practice with respect to which such person is an aggrieved person or a conciliation agreement to which such person is a party. The court may grant such appropriate relief to any such intervening party as is authorized to be granted to a plaintiff in a civil action under section 813.” 42 U.S.C. § 3614(e).

Taylor Pratt is an aggrieved person. The Fair Housing Act defines an “aggrieved person” as “any person who (1) [c]laims to have been injured by a discriminatory housing practice; or (2) [b]elieves that such person will be injured by a discriminatory housing practice that is about to occur.” 42 U.S.C. § 3602(i)(1) and (2). As set forth in the accompanying Complaint in Intervention, Taylor Pratt has alleged injuries due to violations of the Fair Housing Act by Defendants and is therefore an aggrieved person entitled to intervene. (*See* Complaint in Intervention ¶¶ 54-58). Further, the United States commenced this action to redress a discriminatory housing practice by Defendants that injured Taylor Pratt.

Taylor Pratt filed a complaint with the United States Department of Housing and Urban Development (“HUD”) via a Maine Human Rights Commission Complaint on or about April 25, 2022. The matter was pending with HUD until April 24, 2024. This motion is timely because Taylor Pratt took steps to intervene shortly after HUD informed Taylor Pratt’s counsel that the United States Department of Justice was investigating Pratt’s complaints as part of the pending pattern and practice complaint filed in this instant case.

Further, Taylor Pratt moves to intervene in this action based on the principle of judicial economy. Pursuant to 42 U.S.C. 3613, Taylor Pratt has a right to file her own individual claim within two years of the discriminatory acts, which tolled while the administrative action was pending at the United States Department of Housing and Urban Development. As this matter is

already filed under the same facts and occurrences alleged by the United States of America, Taylor Pratt moves to intervene to allow for efficient use of the Court's time and resources.

Taylor Pratt moves to intervene individually to allege claims that the United States of America does not plead in its pattern and practice case. Those allegations relate to state law violations and other common law violations not raised by the United States of America in the matter filed on or about November 16, 2023, or complaint as amended. Those additional claims are related and arise out of the same common nucleus of facts. Taylor Pratt's individual counsel can provide representation on the claims beyond the scope of the claims that the United States of America's alleged, thereby fully protecting Pratt's individual rights and to avoid litigation of multiple cases involving the same parties and same core of operative facts.

As required by Rule 24(c), a copy of the pleading setting forth Taylor Pratt's claims is attached to Taylor Pratt's Motion to Intervene as Exhibit 1. This complaint is similar to the original Complaint in this action by the United States.

For the foregoing reasons, Taylor Pratt respectfully requests that the Court grant its motion to intervene.

Dated: September 19, 2024

Respectfully Submitted,



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Attorney for Taylor Pratt  
Pine Tree Legal Assistance, Inc.  
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Augusta, ME 04338  
(207) 552-3121 (phone)  
(207) 623-7774 (fax)  
[aneal@ptla.org](mailto:aneal@ptla.org)